

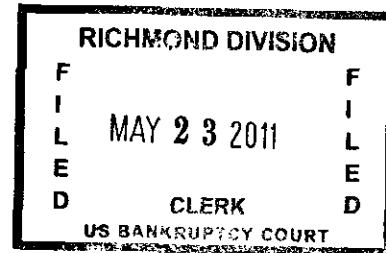
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

Case No.: 08-35653-KRH
Chapter 11

In the Matter of:

CIRCUIT CITY STORES, INC.

Debtor



**CLAIMANT'S RESPONSE TO EIGHTH OMNIBUS OBJECTION TO
LANDLORD CLAIMS AND REQUEST FOR HEARING**

DONALD L. EMERICK, SR., claimholder of Claim no. 12218 initially filed by Citrus Park CC, LLC as an unsecured landlord claim timely responds (see attached Extension granted by the attorneys for the Liquidating Trust) to the Liquidating Trust's Eighth Omnibus Objection to Landlord Claims as follows:

1. On or about April 10, 2009 Citrus Park CC, LCC, timely filed an unsecured claim resulting from damages related to the Debtor's rejection of the lease concerning Circuit City Store number 3269 located at 6918 Gunn Highway, Citrus Park, Florida; the claim was assigned the identifying number 12218 and will be hereinafter be referred to as "Claim no. 12218".

2. On or about October 30, 2009 Claim no. 12218 was transferred to Donald L. Emerick, Sr. (hereinafter "Claimholder"); the said Claimholder was then and is today the Manager/Member of Citrus Park, CC, LLC which is a Florida limited liability company in good standing.

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Claim no. 12218 – page two of three

3. Claim no. 12218 was filed in the amount \$1,804,842.10; the components of the claim are prepetition, rejection and estimated damages as follows:

- a. Prepetition: \$ 161,851.10;
- b. Rejection: \$1,238,016.00
- c. Estimated: \$ 404,975.00

The estimated damages principally related to actual damages resulting from the future non performance of Debtor's covenants unrelated to rent and other expenses directly related to the prepetition default, abandonment of the premises and costs of legal representation in this proceeding. A copy of the lease is not provided with this response but will be provided upon request.

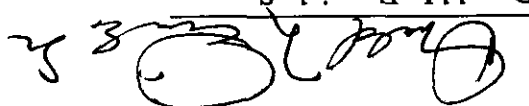
4. The Liquidating Trust's Eighth Omnibus Objection, to Landlord Claims (hereinafter "The Eighth Omnibus Objection") recommends reduction of Claim no. 12218 to \$1,381,212.66 and allowance as such. The Eighth Omnibus Objection does set forth any reason for the proposed reduction and therefore the objection should be either amended or denied.

5. Claimholder Requests a hearing on this matter.

6. Claimholder is the person with personal knowledge of the relevant facts.

7. DESIGNATION of "NOTICE ADDRESS". Claimholder designates his attorney as the person to whom further notices related to allowance of Claim no. 12218 should be addressed and further designates his attorney as the person upon whom a Reply

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Donald L. Emerick, Sr.
Claimholder

DATED and SIGNED at Sarasota County, Florida this 20th day of May, 2011.

that the objection be DENIED.

WHEREFORE having fully responded to the Objection the claimholder requests

2011 (see attached Exhibit A).

8. The original response deadline of April 7, 2011 has been extended to June 2,

Donald L. Emerick, Sr.
707 Roma Road
Venice, FL 34285

b. The Claimholder:

Arthur S. Weitzner, P.A.
Attn: Arthur S. Weitzner, esq.
P.O. Box 18028
Sarasota, FL 34276
Tel: 941-927-5471
Fax: 941-927-5473
Email: arthur@weitzner.com

a. The Attorney:

are set forth as follows:

behalf. The pertinent contact information for both the attorney and for the claimholder

reconcile, settle or otherwise resolve The Eighth Omnibus Objection on claimant's

to this Response may be served. The designated attorney has been granted authority to

ARTHUR S. WEITZNER
CERTIFIED
BUSINESS BANKRUPTCY SPECIALIST

LAW OFFICES
ARTHUR S. WEITZNER, P.A.
P.O. BOX 18028
SARASOTA, FLORIDA 34278

TEL: (941) 927-5471
FAX: (941) 927-5473
arthur@weitzner.com

April 5, 2011

Pachulski Stang Ziehl & Jones, LLP
Attn: Beth Levine, esq.
780 Third Avenue, 36th Floor
New York, New York, 10017
Via Email only to: blevine@pszjlaw.com

Re: Circuit City Stores, Inc. (CCS)
Matter: Eighth Omnibus Objections to Landlord Claims
Case no. 08-35653 (U.S.B.C Eastern District of Virginia)

Dear Ms. Levine:

The undersigned attorney represents Citrus Park CC, LLC and its manager Donald Emerick, Sr. The former entity was the lessor of the debtor's premises known as Circuit City Store No. 3269 located at 6918 Gunn Highway, Citrus Park, Florida. This letter concerns the Liquidating Trust's Eighth Omnibus Objections to Landlord Claims and the related deadline date for filing responses of April 7, 2011.

The affected claims are generally described as follows:

- a. Claim no. 12218 which is the unsecured claim that was transferred to Mr. Emerick; and
- b. Claim no. 13355 which is the administrative claim held by the LLC.

Both claims were filed with detailed explanations concerning the claimed amount and, as necessary, supporting documents. When you retrieve the claims you should be able to fully analyze same and readjust the proposed allowed amount and/or specify the Liquidating Trust's objections. I assure you that Mr. Emerick intends to have any issues reasonably and amicably resolved.

In our telephone discussion this morning you indicated that you have been authorized to extend the April 7, 2011 response deadline. Please confirm that this deadline is either indefinitely extended to be reset if necessary or to a new reasonable deadline by signing this letter in the space provided at the end of the letter and returning same to me by either facsimile or email (the latter is preferred).

EXHIBIT A

- 1 -

extended to

June 2, 2011

with a hearing to
be held on June 9, 2011

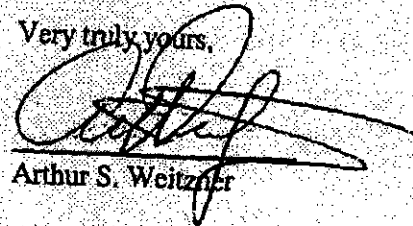
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Ltr to Liquidating Trust Atty
April 5, 2011 - page two of two

I can normally be contacted during normal business hours. However, next week I will be in Atlanta for the SBLI annual seminar and other events. My cell phone number is 941-323-4556 and I can be contacted in the event of an important development.

In closing I thank you for your courtesy in extending the looming deadline and committing to a good faith effort to reach an agreed resolution of these claims

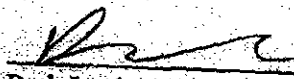
Very truly yours,



Arthur S. Weitzner

Agreed:

Circuit City Liquidating Trust
By its attorneys as set forth below:



Beth Levine, esq.
Pachulski Stang Ziehl & Jones LLP

cc. Citrus Park CC, LLC (Don Emerick)
ASW/aw

CERTIFICATE OF SERVICE

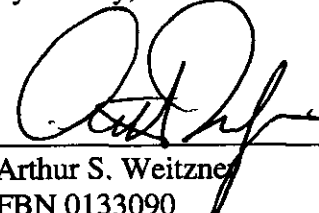
I HEREBY CERTIFY that a true and correct copy of the foregoing
CLAIMANT'S RESPONSE TO EIGHTH OMNIBUS OBJECTION TO LANDLORD
CLAIMS AND REQUEST FOR HEARING together with a copy of the exhibit attached
thereto and a copy of this certificate was served this date by U.S. Priority Mail addressed
to the attorneys for the Circuit City, Stores, Inc., Liquidating Trust as follows:

Jeffrey N. Pomerantz, Esq.
Andrew S. Caine, Esq.
PACHULSKI STANG ZIEHL & JONES LLP*
10100 Santa Monica Boulevard
Los Angeles, California 90067-4100

Lynn L. Tavenner, Esq.
Paula S. Beran, Esq.
TAVENNER & BERAN, PLC
20 North Eighth Street, Second Floor
Richmond, Virginia, 23219

*Also served Beth Levine, esq
c/o New York City office

DATED, SIGNED and SERVED this 20th day of May, 2011.



Arthur S. Weitzner
FBN 0133090